

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 65131

Yitzchak Raphael
2102 Burdock Road
Baltimore, MD 21209

1354 Kenton Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AMENDED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 4, 2009 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, 428, 431, failure to cease outside storage of an untagged/inoperative vehicle, failure to cease storage of a commercial vehicle on residential property zoned DR 120.5 known as 1354 Kenton Road, 21234.

On October 1, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,600.00 (one thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Tracey Thomas and Kevin Thomas, Tenants, and Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 23, 2009 for removal of untagged/inoperative motor vehicle, removal of open dump/junk yard, removal of commercial vehicles, removal of trash and debris from property. This Citation was issued on October 1, 2009.

B. Photographs in the file show a white Ford commercial van with "A thru Z Home Improvement" logo on the sides and no tags. Photographs also show a red pickup truck with no tags.

C. Inspector Frink testified that this case arose from a community sweep. The debris was removed after the Correction Notice was issued, but Respondents requested an extension of time to license the vehicles and an extension was given prior to issuing this Citation.

D. Respondent Kevin Thomas testified that he owns a small home improvement company and normally uses two vehicles for the business. Minimal work has been available this year and he had to cancel the insurance on the vehicles and remove the tags. He did not realize they could not be stored outside. He requested three months extension to correct the violation.

E. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on these vehicles and make them operable, or remove them from the property. County zoning regulations also limit the parking of commercial vehicles on residential property; the white commercial van with logos on the side cannot be stored on this residential property. BCZR Section 431.1.

F. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by January 11, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 24th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.